United Nations S/2003/83

Security Council

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Draft resolution

The Security Council,

Recalling its resolutions 1291 (2000) of 24 February 2000, 1304 (2000) of 16 June 2000, 1323 (2000) of 13 October 2000, 1332 (2000) of 14 December 2000, 1341 (2001) of 22 February 2001, 1355 (2001) of 15 June 2001, 1376 (2001) of 9 November 2001, 1417 (2002) of 14 June 2002 and 1445 (2002) of 4 December 2002, and the statements of its President of 26 January 2000 (S/PRST/2000/2), 2 June 2000 (S/PRST/2000/20), 7 September 2000 (S/PRST/2000/28), 3 May 2001 (S/PRST/2001/13) and 19 December 2001 (S/PRST/2001/39),

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all other States in the region,

Reaffirming also the sovereignty of the Democratic Republic of the Congo over its natural resources,

Recalling the letters from the Secretary-General of 12 April 2001 (S/2001/357), 13 November 2001 (S/2001/1072), and 22 May 2002 (S/2002/565),

Reiterating its commitment to take appropriate action to help put an end to the plundering of the resources of the Democratic Republic of the Congo, in support of the peace process,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and stability in the Great Lakes region,

1. *Takes note* of the report of the Panel of Experts (hereinafter "the Panel") on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, transmitted by the Secretary-General in his letter dated 15 October 2002 (S/2002/1146);

2. *Strongly condemns* the illegal exploitation of the natural resources of the Democratic Republic of the Congo;

3. *Notes with concern* that the plundering of the natural resources and other forms of wealth of the Democratic Republic of the Congo continues and is one of the main elements fuelling the conflict in the region, and in this regard, demands that all States concerned take immediate steps to end these illegal activities, which are perpetuating the conflict, impeding the economic development of the Democratic Republic of the Congo, and exacerbating the suffering of its people;

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4. *Reiterates* that the natural resources of the Democratic Republic of the Congo should be exploited transparently, legally and on a fair commercial basis, to benefit the country and its people;

5. *Stresses* that the completion of the withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo as well as the early establishment of an all-inclusive transitional government in the country, which will ensure that central government control is reinstated and that viable administrations are empowered to protect and regulate the exploitation activities, are important steps towards ending the plundering of the natural resources of the Democratic Republic of the Congo;

6. *Stresses also* that the possible convening of an international conference on peace, security, democracy and development in the Great Lakes region at the appropriate time could help the States of the region in promoting a sound regional economic integration, to the benefit of all the States in the region;

7. *Takes note* of the importance of the natural resources and extractive sectors for the future of the Democratic Republic of the Congo, encourages States, international financial institutions, and other organizations to assist Governments in the region in efforts to create appropriate national structures and institutions to control resource exploitation, encourages also the Government of the Democratic Republic of the Congo to work closely with the International Financial Institutions and the donor community to establish Congolese institutional capacity to ensure that these sectors are controlled and operated in a transparent and legitimate way, so that the riches of the Democratic Republic of the Congo can benefit the Congolese people;

8. *Stresses* the importance of following up the independent findings of the Panel regarding the link between the illegal exploitation of the natural resources of the Democratic Republic of the Congo and the continuation of the conflict, stresses the importance of exerting the necessary pressure to put an end to such exploitation, notes that the reports of the Panel to date have made a useful contribution to the peace process in this regard, and therefore requests the Secretary-General to give a new mandate to the Panel for a period of six months at the end of which the Panel should provide a report to the Council;

9. *Stresses* that the new mandate of the Panel should include:

- Further review of relevant data and analysis of information previously gathered by the Panel, as well as any new information, including specifically material provided by individuals and entities named in the previous reports of the Panel, in order to verify, reinforce and, where necessary, update the Panel's findings, and/or clear parties named in the Panel's previous reports, with a view to adjusting accordingly the lists attached to these reports;

- Information on actions taken by Governments in response to the Panel's previous recommendations, including information on how capacity-building and reforms in the region are affecting exploitation activities;

- An assessment of the actions taken by all those named in the reports in respect of paragraphs 12 and 15 below;

- Recommendations on measures a transitional Government in the Democratic Republic of the Congo and other Governments in the region could take to

develop and enhance their policies, legal framework and administrative capacity to ensure the resources of the Democratic Republic of the Congo are exploited legally and on a fair commercial basis to benefit the Congolese people;

10. *Requests* the chairman of the Panel to brief the Council on any progress towards the cessation of the plundering of the natural resources of the Democratic Republic of the Congo three months after the resumption of the Panel's work;

11. *Invites*, in the interests of transparency, individuals, companies and States, which have been named in the Panel's last report to send their reactions, with due regard to commercial confidentiality, to the Secretariat, no later than 31 March 2003, and requests the Secretary-General to arrange for the publication of these reactions, upon request by individuals, companies and States named in the report of 15 October 2002, as an attachment to this report, no later than 15 April 2003;

12. *Stresses* the importance of dialogue between the Panel, individuals, companies and States and requests in this regard that the Panel provide to the individuals, companies and States named, upon request, all information and documentation connecting them to the illegal exploitation of the Democratic Republic of the Congo's natural resources, and requests the Panel to establish a procedure to provide to Member States, upon request, information previously collected by the Panel to help them take the necessary investigative action, subject to the Panel's duty to preserve the safety of its sources, and in accordance with United Nations established practice in consultation with the United Nations Office of Legal Affairs;

13. *Emphasizes* the duty of the individuals, companies and States named in the report to respect the confidentiality of the material to be given to them by the Panel so as to ensure that the safety of the Panel's sources is preserved;

14. *Requests* the Panel to provide information to the Organisation for Economic Cooperation and Development (OECD) Committee on International Investment and Multinational Enterprises and to the National Contact Points for the OECD Guidelines for Multinational Enterprises in the States where business enterprises listed in annex 3 of the last report as being allegedly in contravention of the OECD guidelines are registered, in accordance with United Nations established practice;

15. *Urges* all States, especially those in the region to conduct their own investigations, including as appropriate through judicial means, in order to clarify credibly the findings of the Panel, taking into account the fact that the Panel, which is not a judicial body, does not have the resources to carry out an investigation whereby these findings can be considered as established facts;

16. In this regard, *notes with satisfaction* the decision of the Attorney General of the Democratic Republic of the Congo to start a judicial procedure, commends the decision of the Government of the Democratic Republic of the Congo to suspend momentarily the officials named in the reports pending further clarification, and requests the Panel to cooperate fully with the Office of the Attorney General and to provide to this Office information it may need to conduct its investigations, subject to the Panel's duty to preserve the safety of its sources, and in accordance with United Nations established practice in consultation with the United Nations Office of Legal Affairs;

17. *Further notes with satisfaction* the actions taken by other States, including the decision by the Government of Uganda to establish a Judicial Commission of Inquiry, urges all States concerned and in particular the Governments of Zimbabwe and Rwanda to cooperate fully with the Panel and investigate further the accusations made through due judicial process and stresses the importance of collaboration between the Panel and all investigative bodies;

18. *Encourages* all organizations concerned to consider, as appropriate, the relevant recommendations contained in the reports of the Panel, and in particular encourages the specialized industries' organizations to monitor trade in commodities from conflict areas, in particular the territory of the Democratic Republic of the Congo, and to collect data in this regard, with a view to helping put an end to the plundering of the natural resources in these areas;

19. *Encourages* the implementation of the decisions taken within the framework of the Inter-Congolese dialogue, especially its recommendation to establish a special commission to examine the validity of economic and financial agreements in the Democratic Republic of the Congo;

20. *Expresses* its full support to the Panel and reiterates that all parties and relevant States must extend their full cooperation to the Panel, while ensuring necessary security for the experts;

21. *Decides* to remain actively seized of the matter.